IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 17TH NOVEMBER 2006 / 26TH KARTHIKA 1928

WP(C).No. 27521 of 2005(S)

PETITIONER:

SANIL KUMAR R., AGED 30 YEARS,
S/O. G. RAMACHANDRAN PILLAI, THIRUVONAM,
SANATHANAPURAM P.O., ALAPPUZHA-688 003.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS:
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1. THE ALAPPUZHA MUNCIPAL COUNCIL,
REPRESENTED BY ITS SECRETARY,
ALAPPUZHA MUNCIPALITY, ALAPPUZHA.

2. INDRAPALAN PILLAI,
SECRETARY, ALAPPUZHA MUNCIPALITY, ALAPPUZHA.

3. M/S. ANDHRA PRADESH TECHNOLOGY
DEVELOPMENT AND PROMOTION CENTRE, 544,ARORA COLONY
ROAD NO.3, BANGARA HILLS, HYDERABAD, REPRESENTED
BY ITS CHIEF EXECUTIVE OFFICER.

4. M/S. GEONOMIC BT PRIVATE LIMITED,
D1 WHITE HOUSE, 6TH MAIN, 15TH CROSS,
RT NAGAR, BANGALORE.

5. STATE OF KERALA,
REPRESENTED BY SECRETARY, LOCAL ADMINISTRATION
DEPARTMENT, SECRETARIAT, TRIVANDRUM.

R1 BY ADV. SRI.M.K.CHANDRA MOHANDAS
R5 BY SR.GOVERNMENT PLEADER MR.M.R.SABU
DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.K.K.RAJEEV
SRI.T.K.KAMALJITH
SMT.C.V.RAJALAKSHMI
SRI.V.GIRI
SRI.JAWAHAR JOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE GOVERNMENT ORDER GO NO.144/04/LSGL DATED 3.4.2004.

RESPONDENTS' EXHIBITS:

EXT.R3(A) TRUE COPY OF LETTER NO.P4-43317/05 DATED 16.5.2005 GIVEN BY THE COUNCIL OF 1ST RESPONDENT TO 3RD RESPONDENT.

EXT.R3(B) TRUE COPY OF ORDER GO (RT0 NO.3219/05/LSGD DATED 10.8.2005.

EXT.R3(C) TRUE COPY OF LETTER NO.P4-43317/05 DATED 11.8.2005 ISSUED BY 1ST RESPONDENT TO THE 3RD RESPONDENT.

EXT.R4(A) TRUE COPY OF COMMUNICATION SENT BY4TH RESPONDENT TO 1ST RESPONDENT DATED 21.4.2004.

EXT.R4(B) TRUE COPY OF THE CLARIFICATION SENT TO EXT.R4(A)

EXT.R4(C) TRUE COPY OF THE PROJECT PROPOSAL SUBMITTED BY 4TH RESPONDENT TO 1ST RESPONDENT.

EXT.R4(D) TRUE COPY OF THE REVISED PROJECT PROPOSAL SUBMITTED BY 4TH RESPONDENT.

EXT.R4(E) TRUE COPY OF THE REVISED PROPOSAL SUBMITTED BY THIRD RESPONDENT.

/ TRUE COPY /

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.P.(C) No.27521 of 2005

Dated, this the 17th day of November, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

Sanil Kumar, the petitioner herein, has filed this petition under Article 226 of the Constitution of India seeking the following reliefs amongst others:

> "i) Call the entire records relating to awarding of works contract to the 3rd respondent for construction of solid waste disposal plant for the Alappuzha Municipality and peruse the same;
>
> ii) To issue a Writ of Certiorari and quash the Memorandum of Understanding regarding the works contract for the Solid Waste Disposal Plant signed between the 1st and 3rd respondents.
>
> iii) Direct that the circumstances that led to the awarding of the tender to the 3rd respondent be investigated and enquired into by a special team constituted by the 1st respondent.
>
> iv) Direct the 1st respondent to take effective steps to hand over the Soild Waste Management project to qualified establishment of repute with knowledge, expertise and experience for completion within a time frame with strict conditions for violation of contract."

2. From the body of the petition what appears is that this writ has been filed primarily for the benefit of respondent No.4. Grounds A

and B would clearly point towards what we have observed above and the same are reproduced below:

> "A. The action of the 1st respondent represented by the 2nd respondent in playing a foul game behind the back of the 4th respondent is against the principles of natural justice and also violative of Article 14 of the Constitution.
>
> B. The 4th respondent who quoted the lowest rate was legally eligible for the works contract and the foul play behind the back by the 1st and 3rd respondent is illegal, arbitrary and without any merits."

3. Surely, no public interest litigation would be competent that might have been filed for the benefit of one individual, who too was a competitor with the third respondent who obtained the contract. We do not wish to entertain this petition by way of public interest litigation. The 4th respondent has filed a separate petition which of course has to be considered on its own merits.

This writ petition is dismissed.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns